

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
1. Senior Planner Danny Kato announced that a request had been received to continue Item IV. 631 Olive Street. The Commission agreed to make a decision at the time the item was scheduled to be heard.
 2. Mr. Kato reviewed the Commission's prior request to move the order of Item IV, 631 Garden Street with Item V, 920 Summit Road.

MOTION: White/Jostes

Switch the agenda order of item IV. with item V.

This motion carried by the following vote:

Ayes: 5 Noes: 1 (Jacobs) Abstain: 0 Absent: 1 (Bartlett)

- B. Comments from members of the public pertaining to items not on this agenda.
- Chair Larson opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. POST CITY COUNCIL APPEAL:

ACTUAL TIME: 1:07 P.M.

EX PARTE COMMUNICATION:

Commissioners White, Bartlett, and Lodge disclosed an ex parte communication with representatives of the Orient Express Hotel.

APPLICATION OF TRISH ALLEN, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, AGENT FOR ORIENT EXPRESS HOTELS, TRAINS & CRUISES, EL ENCANTO HOTEL AND GARDEN VILLAS, 1900 LASUEN ROAD, APN 019-170-022, R-2/4.0/R-H: TWO FAMILY RESIDENTIAL/ 4 UNITS PER ACRE/ RESORT-RESIDENTIAL HOTEL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS/ACRE (MST2007-00140)

The proposal is a project revision to the approved El Encanto Hotel Revised Master Plan. The proposed project consists primarily of revisions to the design of the northwest corner of the project site. The proposal consists of three, one-story cottages (#37, 38 & 39) above an underground, 42-space, valet parking garage. The operations/back of house facilities would be located in the three cottages. Components of the utility distribution facility would be located in cottage 39, in the underground parking garage, and underneath cottage 29. As a result of relocating the parking underground, one parking space would be relocated to the Mission Village underground valet parking garage located in the northeast corner.

The proposal also includes 900 square feet of additional underground mechanical space that was not previously proposed in the Mission Village underground valet parking garage.

All other components of the Revised Master Plan remain as approved on February 12, 2009.

The discretionary applications required for this project revision are:

1. Modification to allow the above-ground portion of the underground parking structure to encroach into the front setback along Alvarado Place (SBMC§28.27.050);
2. Modifications to provide less than the required distance between buildings in the northwest corner (SBMC§28.27.050.2); and
3. Transfer of Existing Development Rights of 6,000 square feet (instead of 10,000 square feet as previously approved) of non-residential floor area to the project site (SBMC§28.95).

The Planning Commission will consider approval of the Addendum to the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15164.

Case Planner: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the Staff presentation.

Trish Allen, Suzanne Elledge Planning and Permitting, briefly explained the utility distribution facility plans and stated that a landscape plan was not required at this time because it would later be reviewed by the Historic Landmarks Committee.

Jim Lefever, Gensler Architects, answered the Planning Commission's questions stating that less grading would be required with the proposed project revisions and that efforts have been made to save the Eucalyptus trees.

Chair Larson opened the public hearing at 1:19 P.M.

The following people spoke in support of the project:

1. Greg Parker
2. Bruce Love
3. Bill Beckers (had to leave early)
4. Jeannine Daniel
5. Charles Croninger
6. Trevor J. Martinson (supported the project, but raised some concerns)
7. Edward Cooper
8. Mary Moore
9. Geoff Rutkowski
10. Sandra Hotchkiss

11. Richard Potter
12. David Hughes
13. Gloria Hendley
14. Farrokh Nazerian
15. Sally Nazerian
16. Collette Phillippi
17. Jim Knight, President, Riviera Association
18. Tim Angelo
19. Joanna Von Yurt
20. Jan Von Yurt
21. Delia Smith
22. Steve and Nancy Petchan

Ms. Kennedy added that a voice message had been received from Mariam Hanlon in support of the project. Chair Larson read the names of public correspondence recorded into the resolution. With no one else wishing to speak, the public hearing was closed at 1:39 P.M.

Joe Poire, Santa Barbara City Fire Battalion Chief, stated that while the Eucalyptus trees have never been conditioned for removal and are combustible, there are ways that they can be made reasonably fire-safe. Anne Marx, Wildlife Fire Specialist, stated that the trees would be evaluated for health and stability in order to determine which trees would be removed, if any.

Staff added that the five historically designated eucalyptus trees could only be removed if an arborist report states that they need to be removed. Scott Vincent, Assistant City Attorney, reminded the Commission that the conditions of approval did address removal of the Eucalyptus trees based on an arborist recommendation.

Staff answered additional Planning Commission's questions in response to Trevor Martinson's concerns, stating that the height of the main building was approved to be 2' taller than the original building, and that building inspectors have confirmed that the building is being constructed per the approved plans; stated that the only changes being considered were the project revisions for the northwest corner and the additional underground square footage in the northeast corner, and explained that city Staff refers to city records to determine square footage amounts, not County records.

The Commissioners made the following comments:

1. The Planning Commission acknowledged the collaboration and cooperation of the applicant, city Staff, and the neighbors to reach a recommendation that would address the concerns of each and made for a better project. This is a model example of mediation between an applicant and neighbors and should serve other applicants.
2. Commissioner Jacobs hoped that the Historic Landmark Commission would work with the applicant to create a welcoming pedestrian entry way with connectivity to the crosswalk by Alvarado Place.

3. Commissioner Lodge commented on the beauty of the Eucalyptus trees and felt that a good plan for maintenance would make them reasonably safe.

MOTION: Jostes/Thompson

Assigned Resolution No. 034-09

Approved the Addendum to the Final Mitigated Negative Declaration; and approved the project revisions, making the findings for the two Modifications and the Transfer or Existing Development Rights, as outlined in the Staff Report, subject to the same conditions of approval as the February 12, 2009 approval (Planning Commission Resolution 004-09).

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson announced the ten calendar day appeal period.

Chair Larson called for a break at 2:11 P.M and reconvened the meeting at 2:18 P.M. Commissioners Bartlett and Jacobs recused themselves from Item V, and Commissioner Jacobs announced that she was unable to attend Item IV because of a scheduling conflict. They both left the dais at 2:29 P.M.

The following two items were heard out of order, as noted by the actual time.

IV. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 3:52 P.M.

RECUSAL: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself due to working with the Housing Authority as a client and left the dais at 2:29 P.M.

APPEAL BY HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA OF THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF SEFTON GRAHAM FOR THE GREEN LIGHT DISPENSARY, 631 OLIVE STREET, 031-160-005 C-M ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2008-00577)

The project consists of a change of use for approximately 629 square feet of an existing 1,091 square foot single-family residence in order to establish a medical cannabis dispensary at 631 Olive Street. The remaining 462 square feet of the building would be a residential unit. The discretionary application required for this project are a Medical Cannabis Dispensary Permit (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures.



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 034-09

1900 LASUEN ROAD

ADDENDUM TO MITIGATED NEGATIVE DECLARATION, MODIFICATIONS,
AND TRANSFER OF EXISTING DEVELOPMENT RIGHTS
SEPTEMBER 10, 2009

APPLICATION OF TRISH ALLEN, SUZANNE ELLEDGE PLANNING & PERMITTING SERVICES, AGENT FOR ORIENT EXPRESS HOTELS, TRAINS & CRUISES, EL ENCANTO HOTEL AND GARDEN VILLAS, 1900 LASUEN ROAD, APN 019-170-022, R-2/4.0/R-H: TWO FAMILY RESIDENTIAL/ 4 UNITS PER ACRE/ RESORT-RESIDENTIAL HOTEL ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS/ACRE (MST2007-00140)

The proposal is a project revision to the approved El Encanto Hotel Revised Master Plan. The proposed project consists primarily of revisions to the design of the northwest corner of the project site. The proposal consists of three, one-story cottages (#37, 38 & 39) above an underground, 42-space, valet parking garage. The operations/back of house facilities would be located in the three cottages. Components of the utility distribution facility would be located in cottage 39, in the underground parking garage, and underneath cottage 29. As a result of relocating the parking underground, one parking space would be relocated to the Mission Village underground valet parking garage located in the northeast corner.

The proposal also includes 900 square feet of additional underground mechanical space that was not previously proposed in the Mission Village underground valet parking garage.

All other components of the Revised Master Plan remain as approved on February 12, 2009.

The discretionary applications required for this project revision are:

1. Modification to allow the above-ground portion of the underground parking structure to encroach into the front setback along Alvarado Place (SBMC§28.27.050);
2. Modifications to provide less than the required distance between buildings in the northwest corner (SBMC§28.27.050.2); and
3. Transfer of Existing Development Rights of 6,000 square feet (instead of 10,000 square feet as previously approved) of non-residential floor area to the project site (SBMC§28.95).

The Planning Commission considered approval of the Addendum to the Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15164.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 23 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments February 5, 2009; and September 3, 2009
2. Site Plans
3. Correspondence received in support of the project:
 - a. Ashley Radosevic, via email
 - b. Barbara Rogers Scolin, via email
 - c. Walter Michaejlenko, DDS/MD, via email
 - d. Kellam de Forest, via email
 - e. Fleurette Barsom-Janigian, via email
 - f. Kate Ford, via email
 - g. Robert and Virginia Guess, via email
 - h. Jim Knight, The Riviera Association, Santa Barbara, CA
4. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA
5. Correspondence received with concerns about the project:
 - a. Trevor J. Martinson, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:
 - A. **Addendum to the Mitigated Negative Declaration (CEQA Guidelines 15164)**
 1. In the Planning Commission's independent judgment there is no substantial evidence that this project will have a significant effect on the environment; and,
 2. Minor technical changes and additions are necessary to complete environmental review. However, a Supplemental Mitigated Negative Declaration is not required because the proposed project remains largely unchanged from the existing project described in the Final Mitigated Negative Declaration for the El Encanto Revised Master Plan.
 3. No substantial changes are proposed in the project and no substantial changes have occurred with respect to the circumstances under which the project is undertaken which would require major revisions of the Final Mitigated Negative Declaration. No new information of substantial importance shows a new or more severe impact. Additionally, no new information of substantial importance shows that a previously considered infeasible mitigation or alternative or a new mitigation or alternative that would now be feasible and substantially reduce the impact of the project are known to exist (CEQA Guidelines §15162(a)).

4. The Planning Commission has considered the Addendum, dated September 3, 2009, for the project revisions for the El Encanto Hotel (MST2007-00140), together with the adopted Final Mitigated Negative Declaration for the original project, and public comments received.
5. The Addendum to the adopted Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements. The Addendum together with the adopted Final Mitigated Negative Declaration constitute adequate environmental analysis of the project.

B. Modifications (SBMC§28.27.050)

The modification request to allow the above-ground portion of the underground parking structure to encroach into the front setback along Alvarado Place is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot because the minor encroachment is substantially less than the encroachments requested by the previous proposal and less than the existing surface parking lot which currently encroaches ten feet into the front setback, as described in Section V of this Staff Report.

The modification requests to provide less than the required distance between buildings for the proposed three, new cottages in the northwest corner is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on a lot because it would be difficult to meet the 15 foot minimum distance between buildings requirement without further reducing the size of the cottages, as described in Section V of this Staff Report.

C. Transfer of Existing Development Rights (SBMC§28.95.060)

1. The proposed development plans for both the sending and receiving sites are consistent with the goals and objectives of the General Plan of the City of Santa Barbara and the Municipal Code. *The mixed-use development on the sending site received approval by the City Council on April 17, 2001 and was determined to be consistent with the goal and objectives of the General Plan and the requirements of the Zoning Ordinance. The Land Use Element acknowledges the El Encanto Hotel as an acceptable use in the Riviera neighborhood. The Revised Master Plan, which provides for the continuation of the project site as a hotel, is therefore in compliance with the General Plan. With approval of the requested Modifications, the receiving site (El Encanto Hotel) is consistent with the requirement of the Resort-Residential Hotel Zone.*
2. The proposed developments will not be detrimental to the site(s), neighborhood or surrounding areas. The sending site project was approved by the City Council and the Architectural Board of Review, which found the project to be appropriate. *The El Encanto Hotel Revised Master Plan has reduced its potential impacts to a less than significant level, and has addressed neighborhood concerns with project revisions to the design in the northwest corner.*

3. The floor area of proposed nonresidential development on the receiving site does not exceed the sum of the amount of Existing Development Rights transferred when added to the amount of Existing Development Rights on the receiving site, and does not exceed the maximum development allowed by the applicable zoning of the receiving site. *The proposed total new floor area for the Revised Master Plan (8,312 sq. ft.) does not exceed the sum of the transferred square footage (6,000 sq. ft.) and the Small and Minor Additions of Measure E square footage (2,312 sq. ft.). The total development on the site does not exceed the maximum development allowed by the R-H Zone.*
4. Each of the proposed nonresidential developments on the respective sending site(s) and receiving site(s) will meet all standards for review as set forth in Section 28.87.300.E of the Municipal Code and all provisions of this Chapter, and will comply with any additional specific conditions for a transfer approval. *The sending site received approval by the City Council on April 17, 2001 and met all standards for review. With approval of the requested Modifications, the receiving site (El Encanto Hotel) complies with all standards for review in Section 28.87.300.*
5. Development remaining, or to be built, on a sending site is appropriate in size, scale, use, and configuration for the neighborhood and is beneficial to the community. *The development on the sending site received approval by the City Council on April 17, 2001 and has been constructed. The development was approved by the Architectural Board of Review which found it to be compatible with the surrounding neighborhood.*

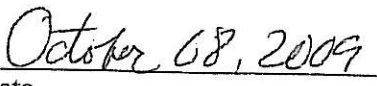
II. Said approval is subject to the Conditions of Approval in Resolution 004-09 dated February 12, 2009.

This motion was passed and adopted on the 10th day of September, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.


Julie Rodriguez, Planning Commission Secretary


Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.